

PROPOSITION 98  
Eminent Domain. Limits on Government  
Authority. Initiative Constitutional  
Amendment.  
Proponents: Howard Jarvis Taxpayers  
Association

February 3, 2008

### **BALLOT TITLE AND SUMMARY**

#### **EMINENT DOMAIN. LIMITS ON GOVERNMENT AUTHORITY. INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Bars state and local governments from taking or damaging private property for private uses.
- Prohibits rent control and similar measures.
- Prohibits deference to government in takings cases.
- Defines "just compensation."
- Requires an award of attorneys fees and costs if a property owner obtains a judgment for more than the amount offered by the government.
- Requires government to offer to original owner of condemned property the right to repurchase property at condemned price when property is put to substantially different use than was publicly stated.

#### **Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Increased costs to many governments due to the measure's restrictions. The net statewide fiscal effect, however, probably would not be significant.

**SUBJECT TO COURT  
ORDERED CHANGES**